

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMI APRIL MUSIC INC., et al,

Plaintiffs,

-against-

10 Civ. 4695 (KMW)

LIME WIRE LLC, et al,

Defendants.

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KIMBA M. WOOD, U.S.D.J.:

Plaintiffs have filed a motion for partial summary judgment, and the motion is now fully briefed. (See Dcky Entry No. 42.) Plaintiffs ask the Court to find Limewire liable for secondary copyright infringement, based on the theory of offensive collateral estoppel, relying on this Court's summary judgment decision in Arista et al. v. LimeWire et al. (06cv05936).

For the purpose of the partial summary judgment motion, Plaintiffs select and focus on seventeen representative works, and submit Certificates of Registration for those seventeen works. In response, Defendants note that, although a Certificates of Registration is *prima facie* evidence of a valid copyright, this merely shifts the burden to Defendants to rebut the evidence of ownership by providing evidence that there exists a material factual dispute concerning Plaintiff's purported ownership of the copyright.

Discovery concerning ownership of the copyright to those seventeen sound recordings may begin today, and shall be completed by February 23, 2011. Any supplemental briefing from the Defendants shall be served by March 2, 2011, at 5:00 p.m. Any reply from the Plaintiffs shall be served by March 7, 2011, at 5:00 p.m.

The parties shall submit a joint schedule and discovery plan to the undersigned and to Magistrate Judge Freeman by February 18, 2011.

SO ORDERED.

Dated: New York, New York
February 9, 2011

Kimba M. Wood
Kimba M. Wood
United States District Judge

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